

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

IN RE:) CASE NO. 19 B 06619
)
ANGELA D. JACKSON,) CHAPTER 13
)
DEBTOR(S)) JUDGE: DONALD R. CASSLING

NOTICE OF MOTION

Please take notice that on April 27, 2023, at 9:30 a.m., I will appear before the Honorable Judge DONALD R. CASSLING or any judge sitting in the judge's place, either in Courtroom 619 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604 or electronically as described below, and present the Motion of Trustee for Sanctions, a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 414 7941 and the passcode is 619. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Respectfully Submitted,
/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900

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TRUSTEE'S MOTION FOR SANCTIONS

Now comes Thomas H. Hooper, Chapter 13 Trustee, pursuant to § 362(k) of the Bankruptcy Code moves this Honorable Court for Sanctions to be entered against Wells Fargo Bank N.A. as Trustee for Park Place Securities, Inc (Wells Fargo) and in support thereof states as follows:

1. The Court has jurisdiction over this proceeding pursuant to 28 USC § 1334 and this is a core proceeding pursuant to 28 USC § 157(b).
2. The debtors' plan, which was confirmed by this court on July 10, 2019, provides for trustee to make payments to Wells Fargo on its arrears claim in connection with its mortgage debtor's residence located at 416 Asbury Ave, Evanston, Illinois (Exhibit A).
3. On April 4, 2019 Wells Fargo filed an arrears claim in the amount of \$5,479.00. (Exhibit B).
4. On December 2, 2021 Wells Fargo filed an amended claim (Exhibit C) reducing the amount of the arrears claim to \$4,026.22.
5. Trustee made payments on Wells Fargo's original arrears claim in the amount of \$4,410.48.
6. Based on Wells Fargo's arrears claim they are overpaid by trustee in the amount of \$384.56.
7. The Trustee advised Wells Fargo on October 3. 2022 (Exhibit D) and November 8, 2022 (Exhibit E) by letter regarding the overpayment and requested that the excess amount be refunded to the Trustee. The Trustee has not received the funds representing the overpayment.
8. Further, on December 22, 2022 trustee sent an email to Terri Long of Codilis & Associates, which has represented Wells Fargo in this matter and while Ms. Long has been in frequent contact with Ben Kahn, staff attorney for the trustee, and on February 2, 2023 Ms. Long advised Mr. Kahn that her client advised her that a refund check had been issued to trustee, to date, the funds have not been received by trustee.

9. The funds being held by Wells Fargo are property of the estate pursuant to §§ 541(a)(7) and 1306(a)(1) of the Bankruptcy Code.
10. § 542(a) of the Bankruptcy Code provides that an entity in possession or control of property of the estate shall deliver to Trustee and account for such property.
11. § 362(a)(3) of the Bankruptcy Code operates as a stay to exercise control over the property of the estate.
12. § 362(k) of the Bankruptcy Code provides that an individual injured by any willful violation of a stay provided for by that section shall recover actual damages, including costs and attorney's fees.
13. Wells Fargo's failure to return possession of the aforementioned portion of the estate to the Trustee is willful and the Trustee has been damaged thereby.

WHEREFORE, the Trustee requests that this Court enter an Order for Sanctions against Wells Fargo Bank, N.A. as Trustee for Park Place Securities, Inc. in the amount of \$384.56 and for said amount to be payable to the estate within 21 days hereof to be distributed pursuant to the confirmed plan, and for any further relief that this Court deems is proper.

Respectfully Submitted,
/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was mailed to the following interested parties who have not been electronically notified by first class mail on April 6, 2023.

Angela D Jackson
416 Asbury Ave
Evanston, IL 60202

Via First Class US Mail

David Freydin
Law Offices of David Freydin Ltd
8707 Skokie Blvd, Suite 312
Skokie, IL 60077

Via ECF

Wells Fargo Bank, N.A.
as Trustee for Park Place Securities, Inc
c/o PHH Mortgage
Attn: Bankruptcy Department
PO Box 24605
West Palm Beach, FL 33416-4605

Via First Class US Mail

Wells Fargo Bank, N.A.
as Trustee for Park Place Securities, Inc
c/o Terri M Long
Codilis & Associates P.C.
15W30 North Frontage Road, Suite 100
Burr Ridge, IL 60527

Via First Class US Mail

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S. Dearborn St., Room 873
Chicago, IL 60604

Via ECF

/s/ Thomas H. Hooper
THOMAS H. HOOPER
Chapter 13 Trustee
55 E. Monroe St., Suite 3850
Chicago, IL 60603
(312) 294-5900